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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9
10 **AT SEATTLE**

11 **JAMES PRATHER,**) Case No.
12)
13 Plaintiff,) **COMPLAINT**
14)
15 vs.)
16)
17 **STEPHENS & MICHAELS)** **JURY TRIAL DEMANDED**
18 **ASSOCIATES, INC.,**)
19)
20 Defendant.)

21 **NATURE OF ACTION**

22 1. This is an action brought under the Fair Debt Collection Practices
23 Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

24 **JURISDICTION AND VENUE**

25 2. This Court has jurisdiction under 15 U.S.C. § 1692k(d), 28 U.S.C. §
26 1331, and 28 U.S.C. § 1367(a).

1 which the money, property, insurance, or services that are the subject of the
2 transaction were incurred primarily for personal, family, or household purposes.
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4 10. Defendant uses instrumentalities of interstate commerce or the mails
5 in a business the principal purpose of which is the collection of any debts, and/or
6 regularly collects or attempts to collect, directly or indirectly, debts owed or due,
7 or asserted to be owed or due another
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9 11. Within one (1) year preceding the date of this Complaint, Defendant
10 caused Plaintiff's telephone to ring repeatedly or continuously with intent to
11 harass, annoy or abuse Plaintiff, including calling Plaintiff 57 times in 28 days,
12 and 98 times in 45 days, after Plaintiff requested that all calls cease and informed
13 Defendant that Plaintiff could not pay what was demanded (§ 1692d(5)).
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16 12. Within one (1) year preceding the date of this Complaint, Defendant,
17 In connection with collection of a debt, used language the natural consequence of
18 which was to abuse Plaintiff, including repeatedly referring to Plaintiff as a
19 deadbeat. (§ 1692d(2)).
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22 13. Within one (1) year preceding the date of this Complaint, Defendant
23 used false representations and deceptive practices in connection with collection of
24 an alleged debt from Plaintiff, including falsely stating that the law allows
25 Defendant to call Plaintiff as much as Defendant wants (§ 1692e(10)).
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15. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 14.

16. Defendant's aforementioned allegations constitute violations of the FDCPA, 15 U.S.C. § 1692 et. seq.

a) Adjudging that Defendant violated the FDCPA.

b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k, in the amount of \$1,000.00;

c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;

d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;

e) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;

f) Awarding such other and further relief as the Court may deem just

1 and proper.

2 **TRIAL BY JURY**

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4 Plaintiff is entitled to and hereby demands a trial by jury.

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6 Respectfully submitted this 2nd day of June, 2010.

7
8 s/Jon N. Robbins

9 Jon N. Robbins

10 WEISBERG & MEYERS, LLC

11 Attorney for Plaintiff